Bombay Gazette.

Wednesday, October 8, 1817.

Volume 28. *Number 1427.*

Proclamation.

Bombay to wit. BY Virtue of a Precept to me directed, I hereby proclaim and give notice, that a Session of Oyer and Terminer and General Goal Delivery will be holden before SIR ALEXANDER ANSTRUTHER, KNIGHT, Recorder and his Associates, Judges of the Honorable the Court of the Recorder of Bombay, at the Court House in Bombay, on Saturday the eleventh day of October next, at Eleven o'Clock, in the forenoon, for the Trial of all Treasons, Murders, Felonies, and other Crimes and Misdemeanors, had, done, or committed within the Town and Island of Bombay, and the Limits thereof, and the Places & Factories subordinate thereto, and dependent thereon; and also to enquire, hear and determine in like manner, all Treasons, Murders, Felonies, Forgeries, Perjuries, Crimes, Extortions, Misdemeanors, Trespasses, Wrongs and Oppressions had, done, and committed, by any of his Majesty's British subjects, in any of the Territories which now are subject to, or dependent upon the said Government of Bombay, or within any of the Dominions of the native Princes of India in alliance with the said Government.

And also, that at the same time and place, will be holden a Session of Admiralty for the Trial of all Treasons, Murders, Piracies, Robberies, Trespasses, Misdemeanors, and other crimes and offences, had, done, perpetrated, or committed on the High Seas.

And I hereby require and enjoin all persons bound to prosecute and give evidence at the above Sessions, or in any way concerned therein, to attend at the time and place, above mentioned, and not to depart without leave of the Court —Dated this 24th day of September, 1817.

O. WOODHOUSE,
SHERIFF.

A CARD.

MR. M. LOUGHLIN has the pleasure to announce to his Friends and the public, the admission of Mr. THOMAS HUNT as a Partner in his Establishment, and that the business will for the future be carried on, under the name and Firm of LOUGHLIN and HUNT, with unremitting attention towards the interest of those, who may be kindly disposed to honor them with their patronage and assistance.

Bombay, 8th October 1817.

TO BE SOLD BY AUCTION
AT
LOUGHLIN'S
NEW AUCTION ROOMS
Tomorrow Thursday the 9th Instant,
AND FOLLOWING DAYS,
THE UNDERMENTIONED ARTICLES,
Being the Property of a Gentleman proceeding to
Europe,
VIZ.

SILVER Ware, Plated Ware, Glass Ware, Queen's Ware, Household Furniture consisting of Tables, Chairs, Couches, Cots, Side Board, Book Case, Dispence, Cooking Table, Cooking Utensils, Table, Dessert and Carving Knives and Forks, and various other useful Articles: Also a few Dozen of Madeira, English and French Claret, Hodgson's Pale Ale, and a small quantity of Old Highland Whisky.

A SaddleHorse with Saddle & Bridle complete, and a Palankeen.

Bombay, 8th October 1817.

Advertisement.

THE Auction will continue to day 8th instant and the following days, at 11 o'Clock, of several kinds of French Wine and Liquors, with other articles, at Capt. MAILLIET'S House, Forbes Street.

Bombay, 8th October 1817.

Advertisement.

PASSAGE TO ENGLAND.
THE GOOD SHIP
Jemima
WILL SAIL FROM BOMBAY
In the early part of November next.

SHE has spacious accommodations for Passengers.—For a Passage apply to Capt. DANBY at the office of Messrs. REMINGTON, CRAWFORD & Co.

Bombay, 8th October 1817.

CARD.

MESSRS. BOYCE, KEMPT and Co. beg to acquaint the Public, that the Interest of ARDASEER FRAMJEE in their Establishment ceased on the 31st of July last, and that Mr. CHRISTOPHER BROWN BOYCE has been admitted as a Partner therein from the same period.

Bombay, 24th September 1817.

NAUTICAL CHRONICLE & NAVAL REPORT.

ARRIVED.—October 2d; the H. C's. Cruizer Prince of Wales, Lieutenant B. Dominiceti, from Mocha.—Ditto 6th, his Majesty's Sloop Bacchus, John P. Parkin Esq. Captain, from the Gulph of Persia.—Ditto 7th, the H. C's. Cruizer Vestal, Lieutenant F. Faithful, from the Persian Gulph, left 27th of September 1817.—Ditto Ship Harriet, Captain T. Guthrie, from Bussorah, left 26, August 1817.—Ditto Ship Ruparell, Captain Francis Brigs, from Bussora, left Muscat 17, of Sept. 1817.

SAILED.—October 1st, Brig Fanny, Captain J. B. Smith, to the Isle of France.—Ditto 3d, Ship Dadaloy, Captain Edmund Dyer, to Calcutta.—Ditto 4th, the H. C's. Timber Ship Ernaad, Lieutenent David Jones, to the Malabar Coast.

BOMBAY.

MARRIAGES.—At Baroda, on the 8th Sept. by the Revd J. Rawlins, V. C. Kemball, Esq. of this establishment, to Miss Shaw.

On the 29th ultimo at the House of Major Bellassis, Seroor, by the Rev. Mr. Robinson, Major Ford of the Madras establishment, to Miss Eastwick, eldest daughter of Robert Eastwick, Esq. of Warfield Berkshire.

BIRTH.—On Friday the 26th ultimo, at Seroor, the Lady of the Reverend T. Robinson, of a Daughter.

DEATHS.—At Baroda, on the 13th Sept. 1817, after a short illness, Mrs. Richards, in her 21st year; a young Lady whose many virtues and very amiable qualities, calculated to adorn and render happy a domestic life, will be long remembered, & her loss deeply deplored by her surviving husband and numerous Friends and Relatives. She died a sincere Christian.

At Cambay on the 24th September, the Reverend John Rawlins, Chaplain at Kaira, deeply and deservedly lamented by his friends and acquaintances at that station. His truly amiable and valuable qualities, during the short period that his society was bestowed upon them by Providence, had inspired them with the sincerest regard, esteem and affection for him; and his loss is felt as an affliction which will long sadden with vain regret the hearts of all who knew him.

At Bussora, in August last, Captain Henry Roberts of the Ship Harriet, sincerely lamented by a numerous circle of Friend.

The Gazette.

WEDNESDAY, 8th OCTOBER 1817.

We have given in a subsequent column the interesting trial of Mr. Wooller for a libel. The Editor of the Litchfield Mercury in his paper of the 13th of June makes the following observations with regard to it. "The *debut* of the New Attorney General, in this case, is not a very auspicious one, being fairly beaten, according to some of the London Editors, in energy and effect, by the bold & valuable defender of his own press. The *Times* conceives Mr. Wooller to be very much indebted to his prosecutors for bringing an obscure work into great notoriety."

We also take the two following paragraphs from the paper we have just alluded to. "Two Generals in the army, we understood, were on Friday informed that the King had no further occasion for their services *(Globe)*." "It is rumoured that Sir R. W. is one of the Generals said to have received an intimation that his services are no longer required."

Very serious disturbances had taken place in Derbyshire and Nottinghamshire. They had however been suppressed thro' the great activity of the Magistrates.

We are sorry to perceive that the greatest distress, amongst the lower order of People, existed in Ireland, and that serious riots had taken place between the 6th and 10th of June, both at Limerick and Cork.

The Duke of Wellington had returned from France in order to be present at the opening of Waterloo Bridge.

Lord Strangford has been appointed Minister to the Court of Sweden.

The Earl of Lonsdale was expected at Paris.

On the 12th of June Mr. Birch seconded by Mr. Rose, moved for a return of the mode of election adopted by the Elder Brethren of the Trinity House, on admitting Petitioners to the benefit of those funds of the corporation which were applicable to charitable purposes. The motion was agreed to—not however, before Mr. W. T. Money had defended, at considerable length, the conduct of the Trinity House, and had dwelt with earnestness and warmth, on the disinterestedness and disposition to serve the public, which had always been manifested by that Corporation.

Talma was in London, and had appeared as Manlius Capitolinus, and in the Œdipe of Voltaire. It is said he excelled most in the latter. We also perceive that that celebrated actor and Mademoiselle Georges, accompanied by M. Mainwell and Mademoiselle Feord had given several scenes, at the Opera House, with great effect.

Kemble had taken leave of the public in the character of Coriolanus.

It is said that Lord Byron, to prove the versatility of his powers, is composing an English and Armenian grammar.

A tragedy called the *Apostate*, from the pen of Mr. Shien, has been brought forward with success at Covent Garden.

Lalla Rookh, an oriental Romance, by Thomas Moore Esquire, has been published. It is in quarto and has reached a second edition.

The author of the "Poetic Mirror" has lately given to the world two volumes of Dramatic Tales, illustrative of the superstitions and manners, chiefly, of the Lower Scotch.

A new novel, entitled *Rob Roy*, by the author of "Waverly" &c. was in the press.

English Extracts.

It is stated, with some confidence, that Earl Talbot is to succeed Lord Whitworth in the Government of Ireland. We are inclined to consider the statement at least as premature.

It is reported that Lord Exmouth will shortly proceed to Newfoundland, in lieu of Sir J. Duckworth, whom he supersedes in command.

The report of an intended Brevet on the 4th of June is again revived. It is, however, stated from unquestionable authority, that no such measure is in contemplation.

A few days since the Earl of Liverpool presented the Rev. Mr. Garrow, son of Sir William Garrow, with the living of Barnett, worth about 1200*l.* per annum.

The *rigorous rule* of entry established at Almack's Rooms produced a curious incident at the last Ball.—The Marquis and Marchioness of W——r, the Marchioness of T——, Lady Charlotte C——, and her daughter, had all been so imprudent as to come to the rooms without tickets; and though so intimately known to the Lady Managers, and so perfectly unexceptionable, they were politely desired to withdraw, and accordingly they all submitted to the injunction; but the beautiful and interesting Miss C. was politely invited to remain as an exception to the rule, and she accordingly joined in the quadrilles with her usual elegance. —*Morning Paper.*

It is stated to be in contemplation to enclose part of Salisbury Plain.

There has been, it is said, another fracas at Haileybury College. Mr. Principal is stated to have been chased with very opprobrious language, by a dog with a tin-kettle tied to his tail; one of the Tutors was beaten, and the Steward had his head broken.

[*May* 13.

Marlborough House.—We are sorry to understand, that the long negociation between the Princess Charlotte and the Duke of Marlborough, for the lease of the house in St. James's Park, which had nearly come to a conclusion by the offer of the Duke to leave the terms to the liberality of her Royal Highness, is now off. The Duke, it seems, at first required 2000*l.* per annum, and her Royal Highness, in a true spirit of liberality, offered his Grace 3000*l.* per annum. The Duke, however, it is said, has since declined this proposition, though so much beyond his original tender; a report to which we attach no credit.—*Evening Paper.*

The fine entrance to Burlington-house, which its noble architect thought his happiest design, is now undergoing a complete repair, and will soon appear in its primitive beauty.

Mr. Gifford was yesterday sworn into the office of Solicitor-General in the place of Mr. Sergeant Shepherd. Mr. Gifford is rather a young lawyer, but most eminently distinguished for his talents and professional knowledge.

Sir Henry and Misses Russell's Party.—On Thursday evening, in Wimpole-street, a very splendid ball was given at the *unique* residence of Sir Henry Russell. The mansion is furnished completely in the oriental style, and also adorned with the most rare article in *bijoutry*. Dancing commenced at eleven o'clock, and concluded at a five in the morning. There were present about 200 fashionables.

Sale of Mr. Davison's Wines.—Yesterday, the fashionable world had a great contest for wines. The celebrated cellars of Alexander Davison, Esq. were emptied to the best bidders. The prices, at which the several lots were knocked down, were unusually high. Three dozen of red Madeira, bottled in 1801, were knocked down at *eighteen* guineas per dozen; it was supposed, for a distinguished member of the Royal Family. There was a brisk contest for this lot, between the agent who bought it, and Lord Percy and several other Noblemen.

One lot of Hock, a hundred and seventeen years old, sold at ten guineas per dozen, and very little of the Sherry went at less than five and six guineas per dozen. There were upon the whole two hundred lots. They were all sold, and the total product of them exceeded, we understand, 5,000*l.* From two to three hundred Noblemen and Gentlemen were present during the sale.

[*May* 10.

"We hear that there are fourteen executions now in the Sheriff's hands against Lord Cochrane, and which have been entered on his premises at Holly Hill, in Hampshire; and we learn, with some surprise, that they are all for debts, contracted at Honiton, for *treats* to the voters, *after* his Lordship's election at that place.—It should seem that he suffers the payment to be obtained by compulsion; and even that, we hear, is likely to be defeated, by an assigment of all his property to a lady of his acquaintance having been set up to defeat these executions."—*Salisbury Gazette.*

Having made the above extract from the *Salisbury Gazette* (which has likewise been copied from that paper into others, in the course of the week), we think it suitable that the following ADVERTISEMENT, which we received this morning from Lord Cochrane, should appear in this place:—

LORD COCHRANE *to the Gentlemen, his Neighbours, in* HAMPSHIRE.—Lord Cochrane having *completed* the *developement* of the ORIGINAL, great, base, and *most infamous conspiracy* against his character and fortune (which is now in *rapid* progress of being exposed and held up with its AUTHORS and ABETTORS to the indignation and execration of mankind and of posterity), pledges himself *also* to shew, at an early date, what has been the conduct, and what are the Claims of those who have recently entered his House at Holly Hill; and how villainy of all kinds has been promoted, protected, and hitherto (in great measure) concealed.—*Holly Hill, 8th May,* 1817.

Mr. Serjeant Lens has intimated to the Bar that he does not intend to go the Western Circuit in future, but confine himself to Term and *Nisi Prius* business.

[*Hampshire Telegraph,—May* 12.

REVOLUTION IN THE BRAZILS.

His Majesty's ship Tigris, of 42 guns, Capt. Henderson, arrived at Portsmouth on Saturday, in 12 days from the Leeward Island station,

bringing dispatches for Government from Rear Admiral Harvey, announcing a revolution in the Brazils, which took its rise on the 7th ult. in the province of Pernambuco, but has since extended to the adjoining six provinces of Rio Grande, Para Siara, Marignan, and Paycaba, and Tamara. The cause of this commotion is ascribed to the universal discontent that had prevailed for some time both among the troops and militia, and among the people; the former from receiving no pay, nor even the means of existence, and the latter from the heavy contributions and excessive conscriptions which had been rigorously levied for the meditated conquests in Paraguay, and on the Rio de la Plata, with which they not only had no concern, but esteemed inimical to their interests. The Court of Rio Janeiro had intelligence of conspiracies in different districts of the northern provinces; and 150 leading individuals, civil and military, in those parts, were ordered to military execution. An accident precipitated the execution of the meditated revolution. A Colonel of a regiment having accused one of his officers on parade of being a traitor, the latter, who was implicated in the conspiracy, imagining he had been discovered, and that this was a signal for the massacre, drew his sword and laid the Colonel dead at his feet. The bells were then rung, and the population of the place, as well as the troops, rose, with one consent, seized the shipping in the river, which they stripped of their guns and ammunition. A strict embargo was laid on the foreign ships in the harbour, which was evaded only by the ship Rowena, an English vessel, which effected her escape, and brought the news to the Leeward Islands. The Governor of Pernambuco retired to the fort, where he was compelled next day to surrender, and afterwards allowed to depart for Rio Janeiro. The country people were pouring into the town of Pernambuco, enthusiastic in the cause, which had been previously organised with considerable address and ability. A Congress was called, but in the mean time a Committee of Government headed by Signor Domingo Martines, took charge of affairs. The intended Constitution was already promulgated, the basis of which was, that these provinces should be governed like the North American States—liberty of conscience, and unbounded freedom of trade, being the leading principles. This great event was brought about without any effusion of blood, except that of nine or ten individuals, who fell in the first moment of the insurrection—Private letters brought by the Tigris add, that the insurrection was general throughout the whole of the Portuguese Brazillian territories; and that the Independants had taken possession of Bahia, and St. Salvador, and were daily gaining strength. This popular commotion, it was understood, had been produced by the many restrictions which had been laid on trade—the absence of the Portuguese troops, at Monte Video—and the success that had attended the efforts of the Spanish Independents.

It is difficult to say what may be the result of this movement; that it will at least protract the recovery of the Spanish Colonies by the mother country cannot be doubted; for the Insurgents in both parts of the Southern hemisphere will now co-operate in their resistance. The extent of the Brazilian Insurrection affords no chance, we apprehend, for the Sovereign. He must now return to Europe, to take care of the old possessions of the house of Braganza.

Two important State Papers have been made public. The one relates to the differences between Spain and Portugal, in consequence of the invasion, without any cause assigned, of Spanish territories on the River Plate. There appears no doubt of the intentions of the Courts of Vienna, London, Paris, Berlin, and Petersburgh, to support Spain in her demand of redress, if the Court of Brazil refuse to furnish satisfactory explanations. Not only Spain, but the allied Powers, regard this step as a wanton aggression, and pronounce it to be a good cause of war between the two nations in Europe, thus pledging themselves to support Spain in the struggle.

The second State Paper relates to Lucien Buonaparte who has lately requested passports for himself and son, whom he states that he is desirous of conducting to the United States.—The Ministers of the Courts of Austria, Great Britain, France, Russia and Prussia, with the Duke of Wellington, held two conferences at Paris on the subject.—one on the 2d of March last, and the other on the 13th. At the second three questions or positions were laid down by the Austrian Minister, enforcing the danger of Lucien's presence in the United States, which had been made the receptacle of so many malcontents and refugees—the probability that the demand of passports for the son was only a pretext to conceal the designs of the father, the certainty of Lucien's intrigues and dangerous relations in Italy, and the necessity of refusing him the passports demanded, and assigning him another place of residence than Rome, from whence he might still escape. All the other Ministers present agreed in opinion with the Austrian Minister A Protocol was accordingly drawn up to be sent to their respective Courts, in order that the necessary measures might be taken. [*May*, 30.

(FROM THE NEWS).

The nation in general should feel, and no doubt will feel very highly obliged to our new Attorney-General for the excellent comments on the subject's *right of petition*, which, by bringing Mr. Wooller to trial, he has allowed to be spread so widely throughout the country. They will be read with much attention by the various persons who have petitioned for Reform—who in them will clearly see the cause why their petitions have failed of effect.

The Courier, as might have been expected is very angry at the verdict given by the jury on Thursday, in favour of Mr. Wooller; and extremely wroth at the people, for cheering him, and laughing at, and hissing the Attorney-General. On Friday that paper says:—

"During the whole of these Trials the most indecent attempts were made to disturb the solemnity of the proceedings. Loud applauses at the most inflammatory parts of *Wooller*'s speech—hisses and expressions of disapprobation against the Attorney-General, in those parts of his speech in which he characterised the conduct of the Defendant and the character of the libel. What is this but a daring attempt to check the due course of law—to menace Judges—to deter witnesses from coming forward—to intimidate Juries from deciding according to evidence and their oath, or in any other way than suits the passions and prejudices of the mob?"

This description of the spirit that pervaded the crowd that filled the Court, and the avenues leading to it, is correct; but the inference is not legitimate. Libels and libellers are familar subjects in our Courts of Law, where they appear and disappear like other common matter. The extraordinary sensation excited on Thursday was caused by the peculiar circumstances of the case. It was not a daring attempt to check the due course of law, as alledged by *The Courier*, but a mark of the public indignation *that the due course of law had been suspended*, and that the Defendant had not the full benefit of the law, in consequence of an Act which had interrupted its course. Mr. Wooller is by trade a compositor, or printer, of, we believe, very humble means, and until Thursday, himself and his work were comparatively little known. Personal influence could not have rallied the public around him. No; the influential cause was, the hardship of his situation as *one of the first sufferers* under the *Habeas Corpus* Suspension: a species of hardship which has never failed to excite the generous sympathy of a British public—a sympathy which, however ill according with the solemnity of a Court of Justice, has shewn itself, upon similar occasions, before a MANSFIELD and a KENYON, without having been discovered by any conjuror to have been "an attempt to menace Judges, deter witnesses, & intimidate Juries from deciding according to the evidence and the oaths." Had it not been for the suspension of the *Habeas Corpus* Act, Mr. Wooller, with all his ability—and he certainly displayed great ability and soundness, both of head and heart—might have walked into and out of Court without having excited a clap or a groan; but his peculiar situation excited the sympathy of the public, and they availed themselves of the opportunity to mark their disapprobation of the conduct of Ministers, in introducing laws restrictive of the rights and liberties of the subject, and trenching deeply upon that Constitution, which has been in better times the pride and boast of Englishmen to uphold.

The Courier, in its rage against the Jury who acquitted Mr. Wooller, and the people who applauded him, stumbles on a notorious truism. It says, on Friday:—"Law may be considered to be, if not at an end, at least in imminent danger." It is, undoubtedly, at an end for the present, by the Suspension of the *Habeas Corpus* Act; but will, we hope, soon revive again.

We hear that Mr. Brougham has declined to be of Counsel to Watson or any of his companions in the Tower. Erskine did not so act in the cases of Hardy, &c. &c. (*June 13th.*)

The Warren Hastings East Indiaman, which is arrived from Bengal, got ashore at Romney on Thursday night, and remained about ten hours in a perilous situation; but was at length got off without much damage.

ENTERTAINMENT TO TALMA THE TRAGEDIAN.

The principal actors of Covent garden Theatre have most handsomely stood forward to give a splendid dinner to this justly celebrated French actor, as a testimony of the high opinion they entertain of his talents. It is to be held at the Caledonian Hotel, in Bond-street, on Sunday, the 8th of June, and is restricted to the number of twenty, among whom are the following: Messrs. Young, Fawcett, C. Kemble, Egerton, Taylor, Liston, Terry, M'Cready, Abbott, Blanchard, Sinclair, Durnset, Farley, Mathews, &c. &c. The dinner is to be upon a very liberal scale; every thing that nature can furnish or ingenuity execute, is ordered, and no doubt the entertainment with the combined talents of the above professional Gentlemen, will be as great in amusement as luxury, and will doubtless be a very flattering compliment to the distinguished stranger. [*June* 15.

The accounts from Clumber, of the Duke and Duchess of Newcastle, continue as good as possible. The immediate occasion of the late illness at Clumber Park, we hear, was this. The Duke of Newcastle had given the country people leave to burn part of a neighbouring heath, preparatory to digging it up for potatoes. This was set fire to in so many places, that the flames were not extinguished during the day. In the middle of the night, they approached one of the Dukes plantations, upon which he had bestowed particular care. His Grace and all the family rose, and the Duke and several of his servants exposed themselves so, that they caught severe colds, which ended in fevers, It is true that a large piece of water had been cleaned, to render it fitter for carrying a sailing vessel, and much slime had been heaped up near the banks. But it is denied, that this was even a predisposing cause of the illness.

COURT OF KING'S BENCH.

THURSDAY.—This morning, in conformity with the permission granted by the Court, the Jury walked for a considerable time in Old Palace-yard under the escort of the proper Sheriffs' officers. They did not go back to their hotel to breakfast until compelled by the rain. At eight o'clock the prisoners arrived at Westminster-hall, and were greeted by the plaudits of a greater number of persons than were collected on any former morning. On the prisoners entering the Court, they shook hands with each other as usual.

After Mr. Justice Holroyd had disposed of a great many common motions, the other Judges took their seats on the Bench, and at half-past nine Mr. Wetherell commenced his cross-examination of Castle, who was brought up in custody. His first interrogations to this witness were to ascertain whether he had had any communication with any person or persons, directly or indirectly, by writing, printing, or otherwise, upon the subject of his testimony yesterday; all of which interrogations he answered in the negative.

Several Noblemen, Members of Parliament, & distinguished characters, were in Court during the day. Amongst whom we recognized Earl Grey, Lord St. John, Lord Exmouth, Lords Bradford and Grosvenor, Mr. Lambton, Mr. Tierney, Sir F. Burdett, Sir Robert Wilson, Lord Yarmouth, Mr. Gordon, Mr. Bruce, Sir James M'Intosh, Mr. M'Darell, Mr. Hunt, &c. The brother of Dr. Watson, from Lincolnshire, sat with Mr. Harmer, the solicitor for the prisoner.

The cross-examination of the Crown's witness, Castle, continued till half-past one, after which a number of witnesses were produced to speak to various detached circumstances. In the examination of Dyall, well known in the great contest at Westminster between Mr. Sheridan and Mr. Paul, as the Green Coated Orator, there was something peculiar in the phraseology in which the latter delivered his testimony.

During the day an interesting argument took place on the legality of receiving as evidence a paper found by a police officer in the residence of Watson, jun. some days after the arrest of the father. Mr. Wetherell and Serjeant Copley supported with great ability the objection founded on the case of Algernon Sydney, where a manuscript unedited and unpublished, existing solely in *gremio mentis*, was brought forward to prove the character of his mind, and with the probability of making a hostile impression on the minds of the jury. The Court, though at first inclined to receive it as evidence, on consideration thought the paper produced as too abstract and unconnected with the previous evidence; although it did not at all admit any analogy with the case of Mr. Sydney. The Attorney-General referred to the opinion of the Court, and withdrew the paper.

Upon the rising of the Court, at half-past six, the prisoners were conducted back to the Tower in the usual manner. There was a very large assemblage of persons in Palace yard, Bridge-street, and the neighbouring avenues, by whom the prisoners were received with loud acclamations.—The carriages drove rapidly along.

SATURDAY.

THE KING v. WATSON, SENIOR.—The Trial of James Watson the elder, was this day resumed. The prisoners were as usual brought from the Tower, attended by a strong party of Horse Guards, about a quarter past eight, and were cheered in their passage by many persons who were attracted to see them. In Palace-yard the crowd of persons collected from all parts of the town to witness the ceremony of conducting the prisoners into Court, was very great. As each prisoner came from his coach, he was cheered with enthusiasm. They bowed to the populace and seemed highly pleased with those marks of popular commiseration.

On entering the Court they took their seats as before. Thistlewood seems to have become careless of his person; he wears a black handkerchief, and is slovenly in his general appearance. Preston seemed much amused on Friday, by Mr. Wetherell's ludicrous description of him as a *lame* General, and laughed very heartily.

The first witness called this day was for the prisoners. This gentleman was Mr. Hunt, whose evidence went directly to impeach the credibility of the witness for the Crown, Castles.

Mr. Briant, Mr. James Wright, Mr. W. Philpot, Mr. James Lawson, Mr. Curtis, Mr. Haydon, G. Spurritt, Mr. J. Scott, and Mr. Samuel Steers—these were the whole of the witnesses on the part of the prisoner.

Mr. Serjeant Copley then proceeded to address the Jury on behalf of his client, for about three hours.

The prisoner said, that after the eloquent addresses which had been made by his advocates, he should think it presumption to offer any thing to the Court himself.

The case for the prisoner being now closed, the Solicitor General replied in a speech of three hours and a half.

One of the Jury now addressed the Court, and said that he trusted his fellow Jurors and himself would not be detained longer than was necessary. They had now been kept from their families for six days, and were anxious that the business should be brought to a conclusion.

Lord Ellenborough said that he was conscious that their confinement had been extremely inconvenient. Nevertheless, it had been necessary to the ends of public justice. He was himself much exhausted, and even if he were to read over the evidence independent of the comments, which would be necessary, from himself and his learned brethren, he was satisfied they could not attend to it all at one sitting.

One of the Jurors said he thought they could.

Mr. Justice Abbott said, that even if they were able to attend, it did not follow that his Lordship, exhausted as he was, could complete the task.

Another Juryman expressed a hope that they would not be confined during the Sabbath.

Lord Ellenborough said he had already signified his order with respect to their personal convenience.

The Jury then left the Court in the usual way, attended by the Sheriff's Officer.

In the Course of the day, Lord Ellenborough intimated the desire of the Court, that no part of the proceedings of any one of the trials of the prisoners should be published till the whole were finished. We are thus precluded from gratifying our readers on this interesting subject. Lord Ellenborough will sum up the evidence to-morrow, and the verdict will, in all probability, be given on Tuesday morning.

The prisoners on being conducted back to the Tower, were greeted in the customary manner by the populace, who were collected in considerable numbers, both in Westminster Hall and Palace Yard. Watson bowed repeatedly, and seemed in good spirits.

MR. COBBETT,

TO THE PEOPLE OF AMERICA.

There is seldom any enjoyment unaccompanied with its alloy, and it has hardly ever been known, that a man who opposed a corrupt Government with any degree of ability, had the good fortune to escape attacks upon his private character, however fair and pure that character might be. Knowing, as I do, the close connection, in point of feeling, not to say of interest, which exists between the hired prints in London and the Aristocratic prints here, it was natural for me to expect that the latter would become the channel for conveying throughout this country the slanders on me, which the despots in London might cause to be printed there. The Proprietor of the New York Evening Post has not, therefore, at all astonished me by a republication, from the London Times Newspaper, of a string of most shameful falsehoods, which appeared in the former paper of the 7th instant, as a mere simple quotation from The Times. The object of this string of falsehoods is to make the people of both countries believe that my flight was occasioned, not by dread of a dungeon; not by any expectation of some unfair and deadly blow from the despots; but by my debts, which I was unable to pay! There are perhaps, few persons who will believe this; but it is nevertheless necessary to contradict the scandalous falsehood. It is well known, that only a week or two ago, there was republished, in this same New York Evening Post, from the same hireling London print a very detailed and minute account of my having been horse-whipped by a Mr. Lockhart, a Member of Parliament. The day, the hour, the precise spot, the wound given, the site of the wound; all were described. Yet not one word of truth was there in the whole of the history. I never was out of my house during the whole of that day; and I had never seen Mr. Lockhart for more than a week previously. I assert, that all which has now been republished here relative to my pri

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vate affairs is equally false. It has been published that I owe eighteen thousand pounds for Newspaper Stamps. The stamps are always paid for before they are taken from the Stamp-office, a fact well known to hundreds of persons in this country. It has been said that I owed rent for a farm. I rented only one farm. I owed half a year's rent (one hundred and fifty pounds) on the 25th of March, and there was stock on the farm to the amount of more than a year's rent, and things in the house worth more than another year's rent. In short, the whole is a string of atrocious falsehoods, as the reader must suppose when I assure him, that I am able to prove, that my income from my writings was more than ten thousand pounds a year, clear money; and that I fully expect to receive at least 20,000*l.* out of the disposal of my landed property.

In a day or two, it is my intention, when I have digested my plan, to publish a prospectus of my future literary labours. In the meanwhile I beg those gentlemen who are proprietors or Editors of Newspapers in the United States, to have the goodness to insert this Address, and, in so doing, they will greatly oblige their obedient Servant,

WM. COBBETT.

Jamaica, Long Island, May, 9, 1817.

P. S. This same New York Evening Post has re-published some garbled extracts from my "Farewell Address." I shall publish this Address entire, in a few days, with notes, explanatory of some of the measures that have been adopted in England. I perceive, that the absentees' Tax is really on foot again! This will put the last rivet to the despotism. If the Proprietor of the New York Evening Post is in the habit of settling disputes in my country fashion, I will (though I never hardly made a bet in my life) bet him an even thousand dollars, that the Government of England, that is to say, the Government of the Boroughmongers, does not last three years longer."

[*The Observer*,—*June* 15.

COURT OF KING'S BENCH.—Thursday, June 5.

[Before Mr. Justice Abbot.]

THE KING v. THOMAS JONATHAN WOOLER.

The trial of the defendant excited very great interest, and at an early hour the Court was crowded. Upon the bench, near his Lordship, sat Mr. Baron Garrow, Lord Castlereagh and Mr Canning; but the two latter retired before the defendant commenced his case. Sir F. Burdett, and several other members of Parliament, were also present.

This was an information filed by the Attorney-General against the defendant for printing and publishing a libel: the plea was, Not Guilty. The pleadings were stated by Mr. Shepherd.—The Attorney General said, that the libel charged in the information was contained in a periodical paper, of which the defendant was the author and the printer, called "The Black Dwarf." The number comprising the libel was dated the 2d of April. The information contained two counts: the first for a libel upon the Ministers employed by the King in the administration of the Government, as by law established; and the second for a libel upon two distinguished individuals, members of that Administration. Among other great blessings enjoyed by the people of England was the freedom of the press; but, like other liberties, it was liable to degenerate into licentiousness, by overstepping the metes and bounds to which it ought to be confined, and the laws by which it ought to be regulated. What were exactly those metes and bounds was another question, upon which some difficulty might be felt; but there could be no difficulty in declaring that the libel in question disregarded all limits, and ran counter to the soundest principles of the law established upon this subject. He was willing to admit, that a public writer might fairly, freely, strongly, and he would add, even boldly, discuss the measures of Ministers; but, to impute to them base, wicked, and corrupt motives, in their endeavours to destroy the laws and constitution of the country, was to go far beyond any bounds that ought to be allowed to such discussions; to assert, for the sake of gain, of filling their pockets out of those of the people, they had involved the country in ruin, and the people in misery, was not to be endured in any State making pretensions to the slightest regard for peace and social order. In this position he was warranted by the oldest and by the best authorities of the law; not drawn from what were considered the bad times, but from periods when freedom most flourished, and from men who had been deemed most favourable to the liberty of the subject. The very existence of the State was put in jeopardy by such lawless and unprecedented licentiousness. He was willing to allow a fair degree of latitude, and he would not be over nice in straining the rule in cases of accidental aberration; but the present was not at all a case of that kind. It was charged in the libel, that the war against France in 1793, was undertaken for the purposes of corruption; and that it had been all along conducted, not for the purpose of securing the liberties but of rivetting the chains of England—and that Ministers had for years been pursuing a system of delusion and treachery towards the people. He here took leave to contradict an opinion that had gone abroad, that the individual who filled the office of Attorney-General was not a servant of the public, but a servant of the Ministers of the day, and was not at liberty to exercise his own judgment, but compelled to submit to the dictates of his superiors. For his part he was not one of those persons; he fairly and honestly advised the Crown upon such measures as required his opinion, but his conduct was free from all control by those who were generally denominated the servants of the Crown. In the exercise of this independence he had filed the present information, without the concert, even if it were with the knowledge, of ministers. He then proceeded to read the libel in question, which will be found inserted in another part of our report, accompanying it, as he proceeded, with such comments as appeared to be called for. He dwelt particularly upon the charge, that the Administration "talked of patriotism when they meant plunder;" and that their object in embarking in a war against France was not to conquer that country, but ourselves. He appealed to the good sense of the Jury if the whole were not a gross, scandalous, malignant, and seditious libel, calculated to bring the administration of the Government into contempt and hatred, and to stir up the people to disorder and rebellion? He entered generally into the system of policy pursued by Great Britain during the last twenty-five years; & into the plans adopted by Buonaparté to ruin this country, by the subjugation of others upon whom she depended for her commerce and riches; noticing, as he proceeded the attempts of Buonaparté upon Germany, Russia, and Spain. He insisted that the crisis which the defendant alledged Ministers intended to provoke, was a rebellion which the defendant actually designed to excite; and he boldly asserted that unless productions like the present were checked by the strong hand of the law, that crisis might not long hence arrive. He afterwards noticed the libel upon Lord Castlereagh and Mr. Canning, contained in the second count of the information, arguing that the purpose of it was the same, although its malignity was restricted to two individual members of the Government. He admitted that the defendant had put the charge with ingenuity and plausibility, but that circumstance rendered it still more dangerous.

Benj. Steill was then called to prove the publication, but the defendant admitted the fact, as well as that he was the author and printer of the libel. Mr. Steill said he had sold about 1000 of the 10th No. of the Black Dwarf, which contained the libel in question.

The libels were then read by Mr. Law. —"We start from the contrast of what we were, with what we are, with as much astonishment as if we could not have anticipated the change. But those who will not attend to their own affairs, must take from experience the lesson, that others will invariably deceive them. Our Ministers have done both. The nation has to reproach them with the most infamous duplicity, the most dreadful treachery. They promised us that they would fight our battles, and they have fought their own. They talked of patriotism when they meant plunder; and told us we were fighting the battles of a regular Government abroad, when they have been reduced to the necessity, even in the boasted success of our arms, to destroy that constitution themselves, which they pretended they called upon us to pay, and combat to defend. The constitution which France could not assail, nor ever wish to injure, has perished at St. Stephen's; perished ignobly, and without a struggle, among the representatives of the people, the guardians of the public purse. Have our Ministers any farther object to achieve? or will they be satisfied with the violation of our most important laws? Will they be satisfied with our toil as slaves, or must we bleed to appease their hatred of the cause of freedom and reform? If we must, we have only to request of them, in the language of Ajax, to destroy us in the open light of Heaven, breathing our appeal to the god of freedom against the agents of slavery & degradation.

"We embarked in the last war to conquer France, and we have conquered ourselves: our Ministers have scarcely breathed from the contest against freedom abroad, and they are already in full armed-mail against liberty at home. They would destroy the very name, but it is immortal It starts fresh from the scythe of persecution. The blood of one martyred patriot is the dew that waters the soil from whence shall spring a thousand and ten thousand heroes The Ministers might as well attempt to veil the sun by Act of Parliament, as to destroy public sentiment by legislative restriction. These are attempts that destroy themselves, and that provoke the crisis which might have been avoided. The delusions practised by the Ministers are now seen through, and despised or hated. It was not to subdue France, but to subjugate England to their yoke, that they have taxed, and lied, urged us on to fight those who were not our enemies. We have been impoverishing our strength against the French that we might at last be an easy prey to our junto of rough riders and political jockies. They have pushed us on to dangers while they gained something by every step we took; and now when a nation of paupers supplicate for food, they are threatened with imprisonment and even death. Every man that falls a victim to this state of things is virtually murdered; and although the laws of man, may not be able to reach, or punish the murderers, Heaven's all seeing eye will mark them, and demand a signal retribution from the guilty head.

"What phantom have we been pursuing throughout the lamentable history of the present reign? What infatuation has led free men and Englishman on to the commission of such dreadful outrages? What fiend could have instigated a wish in Britain to become the despotic masters of America? to plant there the tree of tyranny which we fondly flattered ourselves we had destroyed at home? The nation never completely recovered from the effect of that wanton crusade upon the principles of freedom. We had wandered from the leading star of happiness, and have never been able to recover our way, until at last we fell into the labyrinth of guilt and folly; which led us to oppose the least advance to happiness in any quarter of the globe, and proclaim ourselves the general champions of legitimate despotism throughout the wondering world. Folly led to folly, and crime brought on crime. All the evils that were attendant upon the French revolution are fairly attributable to the mean jealousy of the English Ministers. Our apparent success has been purchased at the expence of all we have. We are like the German Baron, who laid out all his property in the purchase of arms to defend it. Like us, at last, he found he had nothing to defend. And yet our Ministers dare talk of the glory we have acquired. Sad specimens, indeed, of glory, and dearly purchased is the empty boast! Is it then glorious to have restored the most oppresssive systems of political degradation, and the most infamous controul of religious opinions? Is it glorious to England, that Lord Castlereagh, and his ferocious friends on the Continent, should have restored the Pope? Is it glorious for England, that the wretched Ferdinand should remount the throne of Spain, under the protection of Lord Castlereagh over the mangled bodies of those mistaken men who fought for his title, who bled for his defence, and who escaped a thousand deaths from his enemies, to perish like felons by his orders? Is this glory worthy of Englishmen to achieve, or Englishmen to boast of? No, no; leave the authors of such glorious deeds to groan and sweat under their load of honours. Let those who have usurped the name of Englishmen, and identified themselves with these praiseworthy consequences, take all the glory to themselves: and since we are not likely to appreciate the full value of such services, they had better hasten to the reigns which their influence has so much blessed. Perhaps Ferdinand will treat them as he has treated his best friends, and spare them the account to which their country must call them if they provoke the crisis to which their cupidity and folly seem to wish to hasten us.

"All hopes, however, of awakening any commiseration for the people in the bosoms of the present ministry are absurd. They are the decided authors, of our calamities, and they will not believe that a nation so deeply injured as England has been, can ever pardon them the guilt of their misconduct. They feel they do not deserve the forgiveness of the country, and would now coeree us into silence, because they tremble at our complaints. Nothing operates so forcibly upon the nerves of the murderer as the fancied spectre of his victim: the wounds he has inflicted are ever bleeding in his eyes: the coldmaugled form impedes his every step, & he cannot cease to apprehend although the lifeless corse is incapable of vengeance. Every eye that is bent on his scowling forehead seems to question him of his guilt, and every accent in his ear sounds like the denunciation of his crime. It is thus with the Ministers and the Constitution. It lies mangled beneath their feet. Their rashness has aimed at it a mortal blow; and they look fearfully round to see if any are interested in its fate. Every eye that dares to look at them seems the eye of an avenger. They know how dear the victim of their fury was to every Englishman, and they would fain hope that not an English spirit survived to mourn its fate, to rise in vengeance upon their misdeeds. They would call themselves the government, and make their will the general law; but they dare not. They must strike yet again at our vital interests before they can accomplish this. They must make us fools as well as paupers, before we can consent to breathe entirely at their mercy.

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"Mr. Canning has thus been living all his days upon the life blood of the constitution; and with his own exertion, and the indefatigable exertions of his meritorious companions, at this figurative feast of blood the life spring of the constitution is almost drained; yet the appetite of Mr. C. is not half satiated; he would drink it to the last dregs, & sit with hungry looks upon the exhausted treasures of his country. The appetite of our Statesmen for plunder seems to increase as the finances of State diminish. The retrenchment to which they have been compelled to resort has consisted only in the unjust dismissal of the poor and meritorious servants of the State, that the salaries of their useless superiors might be increased, & such men as Castlereagh bribe such men as Canning to associate in a leagde for the oppression of their country. Such is the unblushing impudence of Canning's brazen features, that he dares to sit as a legislator in an assemble from which he ought to be dismissed with execration. What comparison can be made, in point of actual guilt, between the miserable being who commits a petty theft under the influence of distress, and the Statesman who takes advantage of a sacred trust to betray the confidence of a nation, and prey like a vulture, on the life blood of the empire? When the gibbet is prepared for the one, the scaffold should be ready for the other. The sacred name of justice should not be profaned by the punishment of the one, while it is mocked by the escape of the other. A country that would prosper should always remember that the vices of high life, which occasion the distresses of the lower orders, ought to be visited in their origin and not in their effects. A wretch who is driven to violence to obtain food, may be pitied and pardoned without any particular extension of charity; but the villain of choice is deserving of condemnation without pity, and death without remorse."

Mr. W. Groome proved that, in his judgment, the second libel referred to Lord Castlereagh and Mr. Canning; and that the first applied to the King's Ministers.

The defendant asked him if his reason for so thinking was, that the libel could apply to no other set of men; but he was reproved by his lordship for putting his question without due regard to decorum.

The defendant then commenced his address to the jury. He said, that if he had deserved any of the epithets applied to him by the Attorney-general, he should not have been so indifferent to them, but, notwithstanding all this unmerited obloquy, and notwithstanding the high authorities quoted upon the law of the question, he should still insist, that in the production before the court, he had only exercised the freedom which every public writer enjoyed when discussing the conduct and character of public men. He was not disposed to retract a syllable of what he had written; and he was not ashamed of avowing, that he still firmly adhered to the sentiments he had expressed. The disgraceful law of libel, and its still more infamous construction, had been brought to bear against him with peculiar force; and the modern practice had been widely different from that of the good old times to which the Attorney general had referred, when ex officio informations were unknown and when an Attorney-general was obliged to submit his charge to a grand Jury, and could not at a moment's notice drag a man from his business to a dungeon, and reduce him to the lowest state of distress and helplessness. The modern practice had, however, authorized all this; but he would not scruple to assert, that it was both illegal and unconstitutional.

Mr, Justice Abbot interrupted the defendant, and informed him that he could not be allowed in a Court of Justice to assert that the proceeding by information was illegal and unconstitutional. Mr. Wooler lamented that he was not allowed to apply merited epithets, while the Attorney General had not been restricted the use of some that were most unmerited. He felt aggrieved, oppressed, and insulted, and he ought to be allowed to state it; he would, however throw himself upon a Jury of his country, and would leave to them the decision of the great question between him and the Attorney General. He did not know how long or how short might have been the existence of informations; but this he did know, that they were not warranted by Magna Charta, by the Bill of Rights, or by any part of the common law of the land. He had said, that the opinions in the libel had been and still were, his sentiments; whether they were right or wrong was not the question. The question was, whether he had not a right to hold and to promulgate them? Notwithstanding the attempt on the part of the Attorney General to prove his impartiality and his independence of those who gave him his office, he could not give him credit for strict veracity upon that point; and he had some reasons for withholding it.—The publication in question had been before the world 20 weeks; but another information had been filed for a libel on a previous number of the Black Dwarf, which had not yet been heard of. Whether the Attorney General thought it would be too ridiculous to bring it forward, he (the defendant) did not know; but it had certainly been dropped for the present, though no doubt he should hear of it if the present attempt failed. A libel upon two or three dead kings would, perhaps, be a little too laughable even for the gravity of the present Mr. Attorney General; that information, it was but just to say, had been filed by Mr. Attorney General Garrow. His learned accusers maintained that what he had said was libel; he insisted that it was truth; and he would tell the Attorney General that until he had devoted as much time to political inquiry as he (the defendant) had done, and until he had some means of forming an opinion, he would not take his ipse dixit as to what measures were or were not likely to produce tranquillity and happiness. The real point was merely a question of politics, upon which the Attorney General had made up his mind one way, and he (the defendant) another. The Attorney General thought that this publication was calculated to stir up treason and rebellion; he (the defendant) submitted with confidence that such was not its tendency. He then adverted to the circumstances under which he had been arrested, brought up to plead, and confined; observing, that had he been married, and had his occupations been active, he might have been a dreadful sufferer. He complained that a copy of neither information had been furnished to him, though promised by Mr. Attorney General Garrow; and reverted to the libel, observing again, that he sincerely believed every syllable of it; that Ministers had not laboured for the public good, but for their own private advantage, to the destruction of the liberty and happiness of the people. He was a young man and did not precisely recollect the opening of the war of 1793; but Ministers then professed that it was for the establishment of social order and legitimate government; at least, such were the promises of the Minister of the day, and the Jury could not have forgotten how those promises were fulfilled. What then was the consequence, but that Ministers had been guilty of a delusion; for had social order or good government been restored? It might, indeed, be said, the legitimate monarchy had been established. The cursed and odious system of legitimacy had been restored: it had come back upon France, like the plague, and if such were the system on which social order and happiness were to be secured, he would rather be its martyr than its slave; and was rather willing to expose his breast to the dagger, and to allow his enemies to write his epitaph in his blood. What had been said of the liberty of the press was only the common place ridiculous cant: no doubt, it was liable to licentiousness. We might eat to gluttony, and drink to inebriation; but did it follow that eating and drinking ought to be abolished? The metes and bounds were only the limits which every successive Attorney general thought himself at liberty to mark out. He (the defendant) set so high a value upon this liberty, that he would not leave it in the hands of such men as those he now saw ranged against him. The defendant went into some observations upon what had fallen from the Attorney general, regarding the allowances he would make for public writers who overstepped fair, free, strong, and even bold enquiry. He asserted, that the minister of the day not only desired to destroy the laws of the country; but they had accomplished their design; they had actually subverted the constitution; and in this respect the libel was not strong enough, although he admitted that he meant to word it with the utmost force, because nothing else could avail. He appealed to the Habeas Corpus suspension bill, and to the other measures lately adopted. Were not these dangerous inroads upon, or actual invasions of, the constitution; and was it not fair, judging of the measures as he saw them, to conclude that those who resorted to them knew the purpose for which they were intended? Ministers argued that without those measures the constitution was not sufficient to resist those who wished only to subvert it; and by a strange contradiction they overturned the constitution for the purpose, as they said, of maintaining it in its first beauty and purity. In what way could Ministers be guilty of a grosser breach of the liberty of the subject, than in thus rendering a man liable to hourly arrest and unlimited confinement, under the warrant of a Secretary of State? The defendant next followed the Attorney-general into what had fallen from him regarding the law of libel; contending that it was most vague and unsatisfactory in all its parts; indeed such as might be expected from its origin, recollecting that it was imported from the most accursed institution of the Star-Chamber, into the Court of King's Bench. It entirely superseded the old Common Law of England, which equally protected the peasant in his cottage, and the King upon his throne, which was the support of the oppressed, and the terror of the oppressor. The Jury were not perhaps aware that we were indebted for it to the famous Justinian code, established to crush the last spark of freedom among the abject slaves of Constantinople. It had, however, been long naturalized in England; and under the care of our blessed ministers and their servants it had flourished in all its ancient luxuriance of tyranny, and was now perhaps at as high perfection as in the clime where it had been first born and nurtured. The defendant trusted that the Jury would act with impartiality; that they would recollect that no man who filled a public station ought, when he had misconducted himself, to be screened from punishment and degradation. He apologised for making so many digressions: they might be excused upon two grounds—in the first place, because he was obliged to follow the wanderings of the Attorney General from Spain to Moscow, and from Moscow to Germany; and in the second, because having prepared to answer the first information, which had not yet been heard, the trial of the second had somewhat deranged what he had intended to offer to the Jury.—He insisted that public men had no private characters; the nation paid them liberally; and for that they were the nations, body and soul, and could not pretend to complain of libels upon their private characters. He was accused of exciting discontent against the King: he denied it. The ministers, those who trampled on the rights of the people, who kept them slaves and mocked their misery, by telling them they were free; excited discontent: it was not this paragraph or that paragraph that could so operate; but a measure, hateful in itself, and destructive of ancient and indubitable rights, did indeed excite discontent and stir up to rebellion. The Attorney-General had travelled beyond his instructions, when he pronounced such a laboured panegyric upon all ministers since 1793; his business was only as "the servant of "the powers that be" to vindicate them; but this excess of liberality on his part had shewn what was not of little importance to the result of this case, that the libel was not merely directed against the King's present Government, but was a general essay upon events past, present, and to come; objecting alike to the conduct of those who had been, as well as of those who were now in office. He (the defendant) had not stood forward as a private slanderer; he had nobler game, a higher object; he had employed his pen to show that war in 1793 was waged not against the enemies of social order and good government, but against the principles of the French Revolution. The war the Attorney-General had loftily extolled; but what did he at last arrive at?—a lamentation that England was sharing the distresses of her neighbours: and what was the conclusion, but that the miseries, the degradation we were suffering, were the consequences of the measures he had so lauded, which were, according to his account, pursued, but how fatally, for far different purposes. With regard to the extent to which resistance might be carried, Magna Charta and the Bill of Rights proved beyond question that there was a time when rebellion became a duty; for it had, in fact, been the foundation of most of the blessings we enjoyed. He did not pretend to say that the present circumstances of the country justified rebellion—far from it: what he contended was, that it was a great evil, and ought to be prevented by a change of men and measures now equally odious to all well-wishers to their country's freedom. The hand of Providence had deprived us of some of the comforts or necessaries of life, and the Ministers only sought to deprive us of the last morsel that was left to the hungry: those who resisted them did not rebel against, or, to soften the term, object to the laws, but to their construction—not to the constitution, but to its abuse. The question for the Jury was simply a matter of general policy, not of fact, nor of law. He held, that the system pursued was so injurious that Ministers ought to be impeached; his situation, however, was not such as to enable him to prosecute them; and he adopted, therefore, such means of warning his countrymen against them as were within his power.

The defendant was proceeding to make some observations upon the conduct of Mr. Powys, a Magistrate of Staffordshire, who had convicted a man for selling the Black Dwarf, and out of which this information arose, when he was stopped by the learned judge, who observed that the good or ill conduct of that individual had no relation to the cause. The defendant continued to observe, that he rested his defence mainly upon the great political axiom, that the King can do no wrong—this was a mere fiction, to show that the Ministers were responsible, and because they were responsible, he had accused them in the libel. He then went through the whole of the paper, a part of which was charged as the libel at considerable length remarking upon the various passages which had received the com-

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ments of the Attorney-General. His general argument is before stated, viz. to show that the essay was not directed against any particular set of Ministers, but against all Ministers since 1793; and that the censures were deserved, and every accusation true and undeniable. —He afterwards again adverted to the manner in which he had been proceeded against, and the confinement he had suffered, insisting that he would rather endure any privations than condescend to the slightest imputation of subserviency or accommodation to those by whom he had been prosecuted. In truth, this proceeding was not so much directed against him as against all public writers, who were to take warning by the signal example that was to be made of him. He had not levelled his aim at any particular Administration or against any private man; he had struck at the principle and the system followed since the commencement of the French Revolution. He stood up to plead his own cause, not insolently confident, but justly bold: not actuated by a fear of punishment, but by a consciousness of innocence; and he left the question in the hands of the Jury, with the repetition of what he had before observed—that if the present system was persevered in, he would rather die its martyr than live its slave.

The indecorous expressions of applause by the auditors during this speech, and especially at its conclusion, called for the repeated interference of the Sheriffs, who were both in attendance to preserve order.

The Attorney-General availed himself of his right to reply, but not at much length.

Mr. Justice Abbot summed up to the Jury, first stating from the information the general nature of the charge.—One of the libels reflected generally upon the Government of the country, and the other was directed personally against two individuals. The question for the jury was, whether the character of these publications was such as in law constitutes a libel. It is open (said his Lordship) to every subject of the Kingdom to discuss the measures of Government, provided he do so reasonably, fairly and impartially; but if, instead of reasoning and discussing upon the measures, a person chooses to issue forth to the world slander and calumny against the Government, or against the authors of those measures, he then is a libeller, and becomes amenable to the law. At the out set of his address, the defendant complained of the course of proceeding, and endeavoured to prove that a prosecution by information was not according to law. I found myself very unwillingly called upon to interpose (and you will concur with me when I say that I have not shown any great willingness to interrupt the defendant,) because I did not think that I ought to allow any person to state in open court that the proceeding by information was contrary to law. The proceeding by information by the King's Attorney-General, not for libels only, but for misdemeanours of every kind, is as old I believe as any other branch of the law; its commencement is certainly unknown, and it cannot now be traced back more than many other parts of the system. The defendant also complained of his commitment under a warrant; the law of the land authorised, and required the commitment, and he is not at liberty to make the administration of the law a ground of complaint. After adverting to that part of the libel in which the Ministers are accused of duplicity and treachery, his Lordship continued, One of the most learned, impartial, and upright judges that ever presided in the Court of King's Bench, and that at a period shortly after the Revolution—I allude to my Lord Holt—has the following passage upon this subject: he says, "They say that nothing is a libel but what reflects upon some particular person: but this is a very strange doctrine to say, that it is not a libel reflecting upon the Government; endeavouring to possess people's minds, that the Government is mal-administered by corrupt persons, &c. &c. That corrupt persons are appointed to administer affairs is certainly a reflection upon the government; and if a man shall not be called to an account for possessing the people with an ill opinion of the government, no government can exist." Such is the opinion of my Lord Holt. It has been said that the law of libel was imported into the Court of King's Bench, from the Star Chamber; but the law was known in the King's Bench long before the Star Chamber ceased to exist: this was one of the subjects on which the two courts had a sort of concurrent jurisdiction: it is true, they proceeded by a different course; for in the King's Bench no person could be found guilty without the verdict of a jury; but in the Star Chamber the party was declared guilty without that intervention. The learned judge went on to quote a part of the opinion of Lord Camden on the question of general warrants, and made a few other remarks upon the libel charged in the first count; he afterwards noticed the second libel upon Lord Castlereagh and Mr. Canning, and left it to the jury to decide whether the productions were or were not libels, expressing his opinion very decidedly in the affirmative.

After the jury had turned round and consulted for a few minutes, one of them asked his lordship supposing they considered the facts stated to be true, whether they were still by law bound to find the publication a libel—whether facts were libels?

Mr. Justice Abbot answered, but not quite audibly that the truth of the fact did not justify the libel; his Lordship explained the difference in this respect between a civil and criminal proceeding. —The jury still intimating a doubt upon the point, his Lordship read to them the opinion of Lord Raymond upon the question—The jury then withdrew from the box, the officer in charge being sworn in the usual manner.

The jury retired for two hours and a half, & then returned to the Court, the foreman standing with three of his fellows at the door of the Judges' room: the other Jurymen were behind them.

Mr. Law (Clerk of Nisi Prius) then put the question in the usual form, whether they found the defendant guilty of the misdemeanour charged in the information, or not guilty?

The foreman answered, we find him GUILTY; but three of the Jury wish to state especial grounds.

Mr. Justice Abbot—Your verdict must be a general verdict of guilty [or] not guilty. Do I understand you, to say, that you find the defendant guilty?

The foreman bowed, and we believe added "Yes."

Mr. Justice Abbot.—Is the verdict of guilty the verdict of all the gentlemen of the Jury.?

The foreman again bowed, but if he said any thing, it was inaudible beyond the bench.

After the Jury impannelled for the trial of the second information stated below had retired, Mr Chitty made an application to his Lordship respecting the present case, which we will state here for convenience.

Mr. Chitty said, that he hoped it would not be considered an impertinent intrusion, if he mentioned to his Lordship, that three of the Jurymen stated that they had not brought in their verdict, guilty.

Mr. Justice Abbot.—When I put the question, the Foreman answered in the affirmative it was the verdict of the whole Jury.

Mr. Chitty.—Three of the Jury understood that they were to go back and reconsider, as your Lordship could only receive a general verdict. I presume, that the crown only wishes to obtain a verdict by the unanimous voice of the Jury.

Mr. Justice Abbot.—I take it for granted, that the Crown only wishes to obtain a verdict by legal means —by the unanimous voice of the Jury. There was no need of that observation. No gentleman objected to the verdict at the time; I distinctly asked if the whole Jury agreed in the verdict, and an answer was given that they all concurred. It may be extremely dangerous, if, after a Jury has retired after giving in their verdict, any attention could be paid to the statement of some of the individuals. If it can be done at all, it must be done in another place; but I do not believe that it can be done at all. There was no intimation that any gentlemen dissented, and I consented to receive nothing that did not come from all the Jury.

Mr. Chitty was about to interpose again, when the learned Judge inquired if he appeared in the capacity of counsel.

Mr. Chitty answered that he did, and that he was instructed by the defendant's Attorney. He added, that the jury brought in a written paper to be presented to his lordship.

Mr. Justice Abbot.—I certainly do not wish to infringe on the privileges of the Jury, or upon any thing belonging to them; but after a verdict has been received and recorded, I cannot allow a part of the Jury, after they have withdrawn, having delivered in the verdict of the whole, to say that they did not agree. If there be any remedy, it must be had hereafter; but I cannot properly receive the application.

Mr. Wooller said, that the Jury offered a paper to his lordship.

Mr. Justice Abbot.—I saw a paper in the hand of one of the Jury, but no paper was offered to me.

Mr. Wooller.—You said that you would not receive the objections of the Jury.

Mr. Justice Abbot—I said that I would receive any thing that proceeded from the whole of the Jury, but nothing that proceeded from a part of it. I asked, in a tone of voice quite audible, if the verdict of guilty were the verdict of all, and I was told that it was. Part of the Jury is now probably gone home, and I can do nothing now; probably the whole of the Jury is not now here.

Mr. Wooller.—The whole of the Jury is here; they have never separated; and the verdict at present is only the verdict of nine, not of twelve.

Mr. Justice Abbott.—The verdict was delivered to me as the verdict of twelve. The whole Jury were present at the time.

Mr. Wooller.—Only four were in Court, at the door; the rest were behind, and did not hear what passed. I could see only four.

Mr. Law (clerk of Nisi Prins) said, that he understood that when the Jury was asked whether they all concurred, the reply was—Yes; but three wished to add some special ground.

Mr. Justice Abbot.—I have delivered my judgment upon it; if it be incorrect, you will have an opportunity of correcting it hereafter. I am bound to deliver that judgment according to the best of my reason and understanding.

Mr. Wooller—I have no means of appealing against your Lordship's judgment hereafter. This cannot be justice, my Lord! The three Jurymen are ready to depose on affidavit that they did not consent to the verdict.

Mr. Justice Abbot.—The verdict is recorded here.

Mr. Wooller.—Their error is not to prejudice my case.

Mr. Justice Abbot.—In the proper place you may apply; I have no wish to get a verdict which is not the verdict of the whole; but it seems to me, that here I cannot listen to you, the jury have retired, and some are probably gone home.

Mr. Wooller repeated that all twelve were not in court; he saw only four of them, and his lordship could not see so many.

Mr. Justice Abbot.—The sooner this discussion is closed the better: we must proceed to some other business.

A very curious defence of COBBETT appears in the *Morning Chronicle* this day, denying, among other things, the statement of the *Courier*, that his chief cause of flight was Exchequer process at the instance of the Stamp-Office. That this is the fact, however, we can re-state on much better authority than that of the writer in the *Chronicle*. We can add, that young COBBETT would soon have been taken in execution for 18,000*l.* and that this he knew well. COBBETT long had notice from the Stamp-Office he must pay the duties on his *Weekly Pamphlet* as he called it. That publication never was received and entered at the Stamp-Office as a pamphlet. Of this, COBBETT in person, with his son, repeatedly complained at the Stamp-Office, saying, "he hoped his son was not to be entrapped." As soon as the SOLICITOR-GENERAL gave a decided opinion on the subject, a letter was written to COBBETT to pay up the duties, and within a week afterwards he fled.—But, says the writer in the *Chronicle*.—"Mr. "COBBETT has not been responsible to the "Stamp-Office for his publication for some years "back.—Upon his liberation from Newgate in "1812, he thought it expedient, from the a- "mount of his bail for seven years, to put an "end to his responsibility for *The Register*. "Hence Mr. HOUSTON became the registered "proprietor and publisher of that Paper at the "Stamp-Office; but soon after the committal "of this writer for the publication of *Ecce "Homo*, the name of WM. COBBETT, jun. was "inserted in his stead.—Against Mr. COBBETT, "jun. then, any proceeding of the Stamp-Office "must have issued, for Mr. COBBETT himself "was not liable, and therefore *The Courier* "was incorrectly informed."

Now, mark, Reader the disgrace this defender of COBBETT heaps upon him! COBBETT continually boasted of his responsibility, of being publicly responsible. But it seems he shrunk from *legal* responsibility; he would not run the risk of Newgate for his writings; he would not register at the Stamp office, but he would gratify his vanity by giving his name to the public! He procured other men to run the risk of going to Newgate for him, and then he wrote freely; then, when he had secured himself against the punishment the law would inflict on his crimes! This is the hero, the bold writer, who was always bragging of the courage of his pen! And who were the men he found to go to Newgate for him?

A Mr. HOUSTON, of whom all we know is, that he was imprisoned for a publication entitled *Ecce Homo*.—Was that a blasphemous libel, as the title and the punishment, when connected, imply?—Do we gain any light from this circumstance of the source from whence blasphemous libels have of late so freely flowed? But why did Mr. HOUSTON withdraw his responsibility as security to the public for Mr. COBBETT's writings? His imprisonment for *Ecce Homo* did not render him ineligible, as the responsible person, as the man to go to Newgate, for all the libels published, seditious as well as blasphemous. So stands the law, which appears to have been evaded, violated by Mr. COBBETT, to skreen his person.—What were the arrangements under which Mr. HOUSTON *swore himself* sole proprietor, printer, and publisher of *Cobbett's Register*? Why did Mr. HOUSTON withdraw his responsibility? Was COBBETT beginning to write too warmly—and was even Mr. HOUSTON at last afraid? Or, was young COBBETT just of age, capable of being responsible, and of going to Newgate? If he placed himself in such a situation, from duty, he was a very good son, but he had a very bad father, who would thus put to hazard his child's future character and feelings in the world, through which he had so much longer a time to struggle,—his station in life to find and to fix, that he, the father might save his own carcase from the punishment due to his crimes. While the writer in the *Chronicle* has not the candour to own that the Exchequer process is against young COBBETT as the responsible party at the Stamp-Office, he seems to admit as much; and if the son had been seized for 18,000*l.* where would have been the father? How could "the Weekly Pamphlet," clearing, as COBBETT said, at the rate of 10,000*l.* per annum, but defrauding the Revenue to that amount, as we think; how could the pamphlet have been continued, and what was to have become of COBBETT? As the Stamp-Office purchased copies on which to claim penalties to the amount of 18,000*l.* is it not likely they had information who was the real proprietor, pocketing the profits of fraud on the Revenue? Does a fraudulent substitution at the Stamp Office constitute a real proprietorship? Is the Stamp Office bond the only title to Newspaper property? Yes; fraud upon the Revenue. The great declaimer against taxes has just cheated the public of thousands, and run away to America with the money in his pocket. But he is not the only declaimer against taxes who has defrauded the Revenue.

That COBBETT fled from fear of being imprisoned for his writings under the Habeas Corpus Suspension Act, is scarcely credible. That would be a degree of cowardice of which we cannot suspect him. We have no recollection of any public writer, or of any publisher, having been imprisoned under that Suspension, on account of the Press, and certainly no newspaper proprietor ever was so imprisoned, especially a newspaper proprietor who fairly made himself *legally* responsible to the public. The ordinary laws have ever been found sufficient in such cases. Whether the Suspension might have *intimidated* Mr. COBBETT, is a question, which he alone can answer. But intimidation respecting his future writings could not have driven him out of the kingdom.

It is not a little amusing to find the defender of Mr. COBBETT accusing his opponents of changing sides! To do COBBETT justice, he himself never advanced any such accusation. He had changed sides on general politics at least three times, and he had defended as well as abused every Institution. The Church, America, Reform, Universal Suffrage, &c.; on all these subjects he had fought the question each way three or four times over, and probably had discovered the most profitable at last. We will do him another piece of justice—we believe he did not look for or receive money as a bribe for espousing any cause. Certainly we know of one instance wherein a present in money was offered to him for services he had rendered, which could not have been otherwise than a tolerably large sum, but he very handsomely refused it. He derived benefits, however, by the circulation of his work. While the Newspaper Press is charged with being hired, paid by the Ministry, let us see how that question really stands. Of fourteen daily papers in London, only three are decidedly on the side of Ministers, and only one of these is very profitable. One other Paper is generally on the side of Ministers; the others are all against them; and the most profitable are those that are the most violently against them. Of upwards of twenty weekly Papers in London, not one espouses the cause of Ministers zealously: two or three are neutral, but seventeen out of twenty are violently against Government. Something of the same kind could be shewn in respect to the Provincial Journals, if we had room to-day. We wish we could persuade ourselves that the Opposition Journalists choose the side of conscience rather than of profit. Upon this subject we agree with a Paper of this morning, that "it is the *trade* of an Opposition writer not to "be pleased. He writes to the gall and vine- "gar of the mind, because he thinks it pays "better than the milk of human kindness. He "only bawls for what he thinks cannot possibly "be granted; and nothing exceeds his vexa- "tion when he finds himself caught in the trap "of having praised Government or the Legislature "by anticipation."

[*The Courier,—April 11.*

The *Times* has made a direct attack on Mr. CANNING, respecting his allowance as Ambassador, with less dignity and vigour in the style and composition, and in a lower and more vulgar tone of thinking, than (it is but justice to say) we have often to complain of in that paper. The only point, on which the attention of a sensible and unprejudiced reader could dwell with a moment's hesitation, the only plausible part of the argument, is the supposed contradiction between Lord CASTLEREAGH's Letter to Mr. SYDENHAM, and that to Mr. CANNING on the subject of allowance*: and if this be answered, all is answered that is worth answering. But to do this we need only remind the public of a few undeniable facts. First, that by all the greater Courts of Europe the appearance and establishment of their Ambassadors, together with the rank or celebrity of the individual appointed to represent his Sovereign, are proportioned to the respect which it is deemed right and politic to express toward the government and country, to which he is sent. Where financial motives prevent this, a wise policy has preferred for the time, during which these motives operate, an humbler, and less awful and dignified form and description of diplomacy. The practical deductions from this one admitted principle of international courtesy would contain, of themselves, a full and satisfactory solution of the supposed inconsistency between the two instructions. Secondly, that Portugal, both the Court and the country, has been for two centuries at least the ally, with whom the decisive predominance, because the undoubted reciprocity, of the interest and influence of England and the English Cabinet has been constant and notorious. For this reason, even beyond the rank and importance of Portugal in the scale of nations relatively to the whole European Republic, from gratitude, from old affections (for in this instance an affection has really existed on the part of the Portuguese towards Great Britain, rare indeed in the history of nations, and wonderful when the intensity of Portuguese Romanism in religion is considered), from the most palpable policy, we have ever deemed it indispensable to shew the most marked respect to the Sovereignty of Portugal by all the understood evidences of respect. From the closeness and singleness of our alliance, singleness, namely, from the community of interests, and the absence of all jealousy, every mark of public respect shewn to Portugal is, in effect, an act of respect to ourselves, a splendor that is received, at the moment it is irradiated, by an immediate reflection of the rays. If this be, as it is, an old and general axiom of British State policy, with what increased force must it not apply to the circumstance of welcoming the return of a Sovereign, of whose temporary migration to his colonial empire, we had ourselves been the counsellors and safeguards; whose European realms we had re-conquered, avenged, and protected during his absence: whose armies we had disciplined and almost created. Every honour we were prepared to manifest was indeed but a courteous demand on the willing gratitude of the Sovereign, to whom it was directed; a new knot in the bond of friendship between the nations; an act of reverence towards ourselves, and the cheapest, yet most effectual, because the most flattering method of preserving and increasing the salutary influence of Counsels with the person of the Sovereign, as well as with his Cabinet. Lastly, is it or is it not fact, that notwithstanding the additional allowance made to Mr. CANNING, that Gentleman was a poorer man in consequence rather than a richer. In short, does the writer in the *Times* believe himself, that Mr. CANNING accepted the high functions for the purpose of making money by it? or does he not know, on the contrary, that by calculation he had previously proved, that with the utmost economy he could barely do justice to his Sovereign without a serious and unjustifiable injury to his private fortune and his family? If so, why quarrel with Mr. CANNING?—Evidently, the only object of attack is the policy of the peculiar respect towards the Portuguese Court: and on this subject we are prepared to meet the objector at any time, and on any part of the question. The able writer of the *Times* will understand us, when we conclude by saying that we always regret finding him in the class of these politicasters, whose character old HIPPOCRATES has well described by rather a long but a very expressive word—*Katamicrologists.*

* On the 18th July, 1814, Mr. Sydenham was desired to confine his personal expenses within *his ordinary allowances*, about 5000*l.* per annum. On the 31st October, three months afterwards, in consequence of the expected arrival of the King at Lisbon, it was determined to send a more dignified mission to receive his Majesty, and Mr. Canning being appointed Ambassador on the occasion, was to be allowed 14,000*l.* per annum. He received at this rate for three quarters of a year, up to July, 1815, exclusive of certain losses from the course of exchange and paper money; but that for the quarter from July to October, 1815, he received upon a new and more moderate scale of his own proposing, by which the Ambassador should only have the old allowance of 8,200*l.* paid up to him, free from all deductions. His actual receipts were below the nominal amount.

[*The Courier,—April 2.*

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